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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/353,461	07/13/1999	VIJAY K. BHAGAVATH	113528	3577

7590 10/04/2002

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EXAMINER

BADERMAN, SCOTT T

ART UNIT	PAPER NUMBER
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2184

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/353,461

Applicant(s)

BHAGAVATH ET AL.

Examiner

Scott T Baderman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 12 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 9 is objected to because of the following informalities: In line 3, “multicast repair service” lacks antecedent basis. Claim 6, line 7 only states a “repair service”. Appropriate correction is required.
2. Claim 10 is objected to because of the following informalities: In lines 3-4, “multicast repair service” lacks antecedent basis. Claim 6, line 7 only states a “repair service”. Appropriate correction is required.
3. Claim 11 is objected to because of the following informalities: In line 14, “the translator/decryption module” lacks antecedent basis. Appropriate correction is required.
4. Claim 11 is objected to because of the following informalities: In line 17, “the encryption key” lacks antecedent basis. Appropriate correction is required.
5. Claim 11 is objected to because of the following informalities: In line 21, “and” should be inserted after “;”. Appropriate correction is required.
6. Claim 11 is objected to because of the following informalities: In lines 22-23, “said subscriber request” lacks antecedent basis. Appropriate correction is required.

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7. Claim 12 is objected to because of the following informalities: In line 7, "the receiver" lacks antecedent basis. Appropriate correction is required.
8. Claim 12 is objected to because of the following informalities: In lines 9-10, "the destination IP address" lacks antecedent. Appropriate correction is required.
9. Claim 12 is objected to because of the following informalities: In line 13, "are" should be inserted after "that". Appropriate correction is required.

Allowable Subject Matter

10. Claims 11-12 are allowed.
11. The following is an examiner's statement of reasons for allowance:

With respect to claim 11, the Examiner asserts that the novelty of the claim, when read as a whole, is the process of "the controller determining whether a repair/encryption module exists in the repair server, the controller generating a new IP multicast address and a port number and a decryption key for a second IP multicast session, the controller sending the new IP multicast address and port number and decryption key to a translator/decryption module, and the controller creating a new repair/encryption module."

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 112

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 6-10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As in claim 6, line 6 it is not clear as to what is being forwarded.

As in claim 7-10, they are rejected as being dependent on claim 6.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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15. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxemchuk et al. (IEEE).

As in claims 1 and 2, Maxemchuk discloses a network for communicating multicast packets in a multicast session from a source to a plurality of multicast recipients in that session that comprises a repair server (client) in the network monitoring received ones of the packets to the recipients, wherein the repair server includes a missing packet detector, and at least one retransmit server (server) in the network buffering portions of the packets during the session, wherein the repair server detects missing packets and in response thereto, requests missing packets from the retransmit server (see pp. 260-265). However, Maxemchuk does not clearly disclose requesting missing packets from the retransmit server in response to a subscriber request for repair services.

It would have been obvious to a person skilled in the art at the time the invention was made to include requesting missing packets from the retransmit server in response to a subscriber request for repair services into the system taught by Maxemchuk above. This would have been obvious because Maxemchuk clearly teaches that the system taught above is ideally suited for Internet service providers, wherein the service provider can provide a repaired signal to selected receivers (subscribers) (p. 266). Based on this teaching, a person skilled in the art would have been led to believe that the selected receiver (subscriber) can request for the missing packets from the Internet service provider, being that it is well known in the art that recipients will resubmit a request for data (packets) over the Internet if the original data requested for is not properly received.

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As in claim 3, Maxemchuk discloses allowing the recipient to selectively subscribe to the repaired multicast session as a network supplied service (i.e., part of the of Internet service provider recipients) (p.266).

As in claim 4, Maxemchuk discloses limiting the recipient to receive the repaired multicast session as a network supplied service only if the recipient has subscribed to the multicast repair service (p. 266).

As in claim 5, Maxemchuk discloses encrypting the repaired multicast session as a network supplied service and allowing the recipient access thereto only if the recipient has subscribed to the multicast repair service (p. 266).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott T Baderman whose telephone number is (703) 305-4644. The examiner can normally be reached on Monday-Friday, 6:45 AM-4:15 PM, first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Scott T Baderman
Primary Examiner
Art Unit 2184

STB
September 27, 2002